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Docket No. PA4955US

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REMARKS

Applicant submits a Petition and Fee for a One-Month Extension of Time.

Entry of this Amendment is proper because it narrows the issues on appeal and does not require further searching by the Examiner.

Claims 1-20 are all the claims presently pending in the application. Claims 1, 6 and 11 have been amended to more particularly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 6 and 11 stand rejected under 35 U.S.C. § 101 as allegedly directed to nonpatentable subject matter. Applicant would point out to the Examiner that the language of claims 6 and 11 (e.g., "*A programmable storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a ... method...*") clearly satisfies 35 U.S.C. § 101. Indeed, this language is the preferred language for a storage medium claim. However, in the interest of expediting prosecution, claims 6 and 11 have been amended according to the Examiner's helpful comments. Therefore, the Examiner is respectfully requested to withdraw this rejection.

Claims 1, 2, 4-8, 10-11 and 15-20 stand rejected under 35 U.S.C. § 102(c) as being allegedly unpatentable over Kikuchi et al. (U. S. Pat. No. 6,553,180). Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kikuchi.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kikuchi in view of Ando (U. S. Patent No. 7,286,746).

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kikuchi in view of Terada (U. S. Patent Pub. No. 2003/0072561).

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as defined by claim 1) is directed to an image reproduction apparatus for reproducing first image data and second image data

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recorded in a recording medium having a first image area storing the first image data for computer processing and a second image area storing the second image data for digital video equipment using the first image data as a source. The image reproduction apparatus includes display control means for displaying on display means a selection screen for receiving selection by a user of the first image area or the second image area, and selection reception means for receiving the selection of the first image area or the second image area in the selection screen.

Importantly, the apparatus also includes reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected and for reproducing the second image data in the second image area in the case where the second image area has been selected (Application at Figure 5; page 20, line 17 to page 22, line 21). This may allow the claimed invention to selectively reproduce first or second image data with ease from the recording medium (Application at page 7, lines 11-14).

Another exemplary aspect of the claimed invention (e.g., as recited in claim 7) is directed to an image recording apparatus for recording, in a recording medium, first image data for computer processing and second image data for digital video equipment using the first image data as a source.

Importantly, the image recording apparatus includes display control means for calculating a first data size regarding the first image data and a second data size regarding the second image data, and for displaying a screen including the first data size and the second data size on display means (Application at Figures 9 and 13; page 22, line 22-page 30, line 7). This may allow a user to record the first and second image data sets in the recording medium within the capacity of the recording medium (Application at page 30, lines 8-17).

II. THE ALLEGED PRIOR ART REFERENCES

A. Kikuchi

The Examiner alleges that Kikuchi teaches the claimed invention of claims 1, 2, 4-8, 10-11 and 15-20, and makes obvious the invention of claims 3 and 9. Applicant would submit, however, that Kikuchi does not teach or suggest each and every element of the claimed invention.

In particular, nowhere does Kikuchi teach or suggest an image reproduction apparatus

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which includes "*reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected and for reproducing the second image data in the second image area in the case where the second image area has been selected*", as recited in claim 1 (Application at Figure 5; page 20, line 17 to page 22, line 21). As noted above, this may allow the claimed invention to selectively reproduce first or second image data with ease from the recording medium (Application at page 7, lines 11-14).

Clearly, Kikuchi does not teach or suggest these novel features. In fact, Kikuchi simply discloses that display unit 48 may display "DVD-RW" when a set disc 10 is a new DVD-RW disc (col. 40, lines 49-50), a recording mode and bit rate (col. 40, lines 58-59), a prompt for prompting user to exchange the disc (col. 40, lines 64-65), and title and chapter number (col. 42, lines 41-44).

Indeed, the Examiner AGAIN surprisingly attempts to rely on Figure 40 and col. 45, lines 20-25 in Kikuchi to support his position. The Examiner is clearly incorrect.

In particular, the Examiner surprisingly asserts on page 2 of the Office Action that the "first aspect ratio is equivalent to the first image area and the second aspect ratio is equivalent to the second image area since different aspect ratio produces different image size". This completely unreasonable.

In fact, the Examiner should understand that the "first image area" and "second image area" of the claimed invention are AREAS OF THE RECORDING MEDIUM which store image data. Moreover, the first and second image areas do not store just any old image data. Indeed, the first image area OF THE RECORDING MEDIUM stores first image data for computer processing and the second image area OF THE RECORDING MEDIUM stores the second image data for digital video equipment.

Thus, the Examiner's attempt to somehow equate an "aspect ratio" with the first and second image areas of the recording medium is completely unreasonable.

Second, the Examiner AGAIN FOR SOME REASON chooses to completely ignore the "selection screen" in the claimed invention. That is, nowhere in the Office Action does the Examiner allege that Kikuchi teaches the "selection screen" of the claimed invention. Applicant would point out to the Examiner that the "selection screen" is an important aspect of an exemplary aspect of the claimed invention (e.g., as recited in claim 1) (e.g., see Application at Figures 6A and 6B).

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The Examiner cannot simply decide to ignore this feature on a whim. Therefore, Applicant would respectfully submit that if the Examiner intends to maintain this rejection, the Examiner must issued another NON-FINAL Office Action in which the Examiner clearly identifies where Kikuchi teaches or suggests the "selection screen" of the claimed invention.

Indeed, the Examiner simply equates the MPU in Figure 40 of Kikuchi with the "display control means" of the claimed invention. However, Figure 40 in Kikuchi simply illustrates a "block diagram" for an apparatus (DVD video recorder) (Kikuchi at col. 5, lines 32-37). Figure 40 illustrates that the MPU 30 is connected to a display unit 48. However, nowhere does Kikuchi teach or suggest that the display unit 48 displays THE SELECTION SCREEN of the claimed invention.

Kikuchi does teach an interesting display screen in Figure 57. However, this screen is simply a Warning! screen and could not reasonably be equated with the "selection screen" of the claimed invention.

Therefore, Kikuchi certainly does not teach or suggest a reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected and for reproducing the second image data in the second image area in the case where the second image area has been selected, as in the claimed invention.

Likewise Kikuchi does not teach or suggest an image recording apparatus which includes *"display control means for calculating a first data size regarding the first image data and a second data size regarding the second image data, and for displaying a screen comprising the first data size and the second data size on display means"*, as recited, for example, in claim 7 (Application at Figures 9 and 13; page 22, line 22-page 30, line 7). As noted above, this may allow a user to record the first and second image data sets in the recording medium within the capacity of the recording medium (Application at page 30, lines 8-17).

Clearly, these features are not taught or suggested by Kikuchi.

Indeed, the Examiner AGAIN attempts to rely on col. 45, lines 20-25 in Kikuchi to support his position. Specifically, the Examiner alleges that "the 'Setup' key is used to set the screen size, which means the image size can be set with the 'Setup key'" (Office Action at page 5). However, the Examiner's allegations are completely unreasonable.

Indeed, the Examiner AGAIN FOR SOME REASON chooses to completely ignore

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the "screen" in the claimed invention. That is, nowhere in the Office Action does the Examiner allege that Kikuchi teaches the "screen" of the claimed invention. Applicant would point out to the Examiner that the "screen" is an important aspect of an exemplary aspect of the claimed invention (e.g., as recited in claim 7) (e.g., see Application at Figure 13).

The Examiner cannot simply decide to ignore this feature on a whim. Therefore, Applicant would respectfully submit that if the Examiner intends to maintain this rejection, the Examiner must issued another NON-FINAL Office Action in which the Examiner clearly identifies where Kikuchi teaches or suggests the "screen" of the claimed invention.

In fact, the passage on which the Examiner relies simply refers to a size/aspect ratio of a screen. That is, Kikuchi teaches simply that a user can select an aspect ratio (e.g., 16:9 or 4:3) for displaying a video.

However, this has nothing to do with the claimed invention. Indeed, nowhere does Kikuchi teach or suggest the "setup key" is used to calculate a first data size regarding the first image data and a second data size regarding the second image data. Indeed, the setup key is used to simply input information and has nothing to do with "calculating" anything.

Moreover, the setup key is simply a key and has no display function. Therefore, the setup key clearly does not display a screen including the first data size and the second data size on display means. Therefore, it is completely unreasonable to attempt to equate the setup key in Kikuchi with the display control means of the claimed invention.

Therefore, Applicant would submit that Kikuchi clearly does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. Ando and Terada

The Examiner alleges that Kikuchi would have been combined with Ando to form the invention of claim 12, and with Terada to form the invention of claims 13 and 14. Applicant would submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

In particular, Applicant respectfully submits that these alleged references are unrelated. Indeed, no person of ordinary skill in the art would have considered combining

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these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the references provide no motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

In particular, neither Kikuchi, nor Ando, nor Terada, nor any alleged combination thereof teach or suggest an image reproduction apparatus which includes "*reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected and for reproducing the second image data in the second image area in the case where the second image area has been selected*", as recited in claim 1 (Application at Figure 5; page 20, line 17 to page 22, line 21). As noted above, this may allow the claimed invention to selectively reproduce first or second image data with ease from the recording medium (Application at page 7, lines 11-14).

Clearly, Ando does not teach or suggest these novel features.

In fact, Ando simply discloses a medium for storing audio/image information and a system for managing the information. The Examiner attempts to rely on Figure 9 in Ando to support his position. However, Figure 9 is simply a block diagram illustrating a configuration of an apparatus for recording/reproducing information in/from an audio card (Ando at col. 7, lines 7-10).

Nowhere in Figure 9 or anywhere else does Ando teach or suggest reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected and for reproducing the second image data in the second image area in the case where the second image area has been selected.

Likewise, Terada does not teach or suggest these novel features.

In fact, Terada simply discloses an image information recording medium, image information processor, and image information processing program. The Examiner attempts to rely on paragraph [0034] to support his position. However, this passage simply discloses an image data area 112 for recording repetitive images and an image data area 122 for recording a still image.

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Nowhere in [0034] or anywhere else does Terada teach or suggest reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected and for reproducing the second image data in the second image area in the case where the second image area has been selected.

Therefore, neither Ando, nor Terada make up for the deficiencies in Kikuchi.

Therefore, Applicant would submit that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

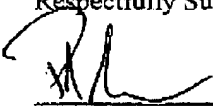
In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 3/4/08


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing was filed by facsimile with the United States Patent and Trademark Office, Examiner Tat Chi Chio, Group Art Unit # 2621 at fax number (571) 273-8300 this 4th day of March, 2008.



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